



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 28 2003

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

David R. Emmett
Environmental Management Systems, Inc.
8420 East Valley View Road
Scottsdale, AZ 85250

Dear Mr. Emmett:

I am responding to your enclosed letter dated July 17, 2003, where you pose two questions. My answers to your questions in bold italic type face appear after my transcription of your questions.

Does the destruction of PCBs with starting concentrations of less than 50 parts per million, using the process mentioned above, require any permitting per the EPA?

My answer: EPA does not regulate, under the PCB regulations at 40 CFR 761, the destruction of PCBs in oil containing less than 50 parts per million (ppm), so long as that concentration has not been reached by unauthorized dilution of oil containing greater than or equal to 50 ppm PCBs. The use of oil containing less than 50 ppm is regulated at 40 CFR 761.20(e).

With regards to the resulting PCB free oil, are there any Federal Regulations that EMS Inc. will need to comply with beyond those of 40 CFR 279, Standards for the Management of Used Oil?

My answer: As far as I know the only Federal EPA regulations, which address the use of used oil containing less than 2 ppm PCBs, are those regulations found at 40 CFR 279. A call to the RCRA Hot Line at 1-800-424-9346 would provide a more informed answer.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Smith", is written over a horizontal line.

John H. Smith

Enclosure

ENVIRONMENTAL
MANAGEMENT
SYSTEMS, INC.

July 17, 2003

John H. Smith
United States Environmental Protection Agency
M.C. (7404T)
1200 Pennsylvania Avenue, North West
Washington D.C. 20460

Dear Mr. Smith:

Environmental Management Systems, Inc. (EMS, Inc.) is looking for clarification regarding the regulations for managing dielectric oil containing polychlorinated biphenyls (PCB) at concentrations greater than 2 parts per million and less than 50 parts per million.

EMS, Inc. intends to transport the oil to our facility for temporary storage. EMS, Inc. then will process the oil using conventional sodium or potassium stripping of halogens from hydrocarbons to destroy any PCB to a non-detectable level, (less than 2 parts per million). Testing procedures will be in place to verify PCB levels of incoming and after processing oils. The byproducts of the stripping process are sodium and potassium chloride or fluoride.

EMS, Inc. will have the necessary permits to operate as a Used Oil Processing/Marketer for the State of Arizona.

- Does the destruction of PCBs with starting concentrations of less than 50 parts per million, using the process mentioned above, require any permitting per the EPA?
- With regards to the resulting PCB free oil, are there any Federal Regulations that EMS, Inc. will need to comply with beyond those of 40 CFR part 279, Standards for the Management of Used Oil?

Thank you for your attention to these matters.

Please forward your response to the following address:

Environmental Management Systems, Inc.
8420 East Valley View Road
Scottsdale, AZ 85250
Attention: David Emmett

Sincerely,



David R. Emmett
Manager